

REMARKS

The Office Action mailed July 15, 2003 divided the claims into two groups: Group I (claims 1-11, 14-40, 43 and 44, drawn to trypticene analogs) and Group II (claims 12, 13, 41 and 42, drawn to a method of treating cancer, inhibiting nucleoside transport and protein synthesis and decreasing the proliferation of cancer cells).

In response, Applicant elects Group I, with traverse.

The Office Action cited MPEP 806.05(h) and stated: "Inventions of Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product."

The Office Action stated "the inventions of Group II drawn to method of treatment of cancer can be practiced with the structurally different platinum complexes as disclosed by Khokhar et al (US 5393090)." This statement is incorrect. The claims of Group II (claims 12, 13, 41 and 42) are dependent on the claims in Group I. Therefore, the claims of Group II require the compounds of Group I and the claims of Group II as claimed can not be practiced with another materially different product. In addition, the claims in Group I and Group II are classified in the same class. It is therefore believed a search for all claims would not be burdensome.

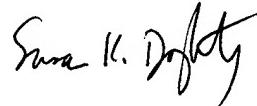
The Restriction Requirement also required an election of species. In response, Applicant elects the species of claim 1 wherein R¹⁻⁴=H; X=OR; Y=halogen and R⁵= (=O). Claims 1, 3, 4, 5, 7-13, and 38 read on the elected species. If further required, Applicant elects the species of claim 3.

CONCLUSION

In view of the above arguments, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

It is believed that this submission does not require the payment of any fees. If this is incorrect, however, please charge any requisite fees, including the fee for any extensions of time required, to Deposit Account No. 07-1969.

Respectfully submitted,



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